

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED CLERK
U.S. DISTRICT COURT
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TEXAS-EASTERN

DATATREASURY CORP.,
Plaintiff

BY
No. 2:04cv85
Hon. David J. Folsom

vs.

SMALL VALUE PAYMENTS
COMPANY
Defendant

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AGREED CASE MANAGEMENT ORDER

Pursuant to the Court's authority under Federal Rules of Civil Procedure 16 and 26, it is hereby ORDERED that the parties comply with the following docket control timetable:

STEP	ACTION	SVPCo
1	Initial Case Management Conference	1/20/05
2	Parties Exchange Initial Disclosures	1/28/05
3	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions	3/18/05
4	Patentee makes Document Production Accompanying Disclosure	3/18/05
5	Case Management Statement	2/18/05
6	Accused Infringer serves Preliminary Invalidity Contentions	5/27/05
7	Accused Infringer makes Document Production Accompanying Preliminary Initial Disclosures	5/27/05
8	If necessary, Parties Exchange any Proposed Terms and Claim Elements for Construction	6/10/05
9	If necessary, Parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	6/17/05

10	If necessary, Parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	6/24/05
11	If necessary, Parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	7/1/05
12	If necessary, Parties meet and confer to discuss Claim Construction Proceedings	7/8/05
12(a)	If necessary, Parties exchange Supplemental Preliminary Claim Construction	7/15/05
13	Parties Jointly file joint Claim Construction and Prehearing Statement	7/22/05
14	Completion of Claim Construction Discovery	8/19/05
15	Opening Claim Construction Brief on Claim Construction issues	9/2/05
16	Responsive Claim Construction Brief on Claim Construction issues	9/16/05
17	Reply Brief on Claim Construction issues	9/23/05
18	Hearing on Claim Construction issues	To be determined.
19	Ruling on Claim Construction issues entered by the Court	To be determined.
20	Patentee makes Final Infringement Contentions	CCR + 4 wks
21	Accused Infringer makes Disclosure Relating to Willfulness	CCR + 4 wks
22	Parties file Amended Pleadings	CCR + 4 wks
23	Deadline for Third Party Joinder	CCR + 4 wks
24	Accused Infringer makes Final Invalidity Contentions	CCR + 8 wks
25	Completion of Unenforceability Discovery	CCR + 20 wks
26	Completion of all Remaining Fact Discovery	CCR + 20 wks
27	Accused Infringer makes Final Unenforceability Contentions	CCR + 24 wks
28	Parties make Final Designations of all Expert Witnesses (except rebuttal witnesses)	CCR + 24 wks

29	Parties Provide Expert Witness Reports	CCR + 24 wks
30	Parties Provide Rebuttal Expert Witness Reports	CCR + 28 wks
31	Completion of all Remaining Expert Discovery	CCR + 32 wks
32	File Summary Judgment Motions on Invalidity	CCR + 36 wks
33	File Summary Judgment Motions on Unenforceability	CCR + 36 wks
34(a)	Deadline for filing all Dispositive and Daubert Motions	CCR + 36 wks
34(b)	File Responsive Briefs to Summary Judgment Motions on Invalidity	CCR + 40 wks
35	File Responsive Briefs to Summary Judgment Motions on Unenforceability	CCR + 40 wks
36	Deadline for filing Responses to Dispositive and Daubert Motions	CCR + 40 wks
37	File Reply Briefs Regarding Summary Judgment Motions on Invalidity	CCR + 44 wks
38	File Reply Briefs Regarding Summary Judgment Motions on Unenforceability	CCR + 44 wks
39	Deadline for filing Replies to Dispositive and Daubert Motions	CCR + 44 wks
40	Patentee identifies Trial Witnesses	CCR + 45 wks
	Accused Infringer identifies Trial Witness	CCR + 46 wks
41	Parties to file Proposed Joint Pretrial Order that includes Proposed Jury Instructions, Joint Verdict Forms & Motions in Limine	CCR + 48 wks
42	Final Pretrial Conference before Judge David Folsom	10/3/06
43	Jury Selection	To be determined

This docket control order shall not be modified except by leave of Court or upon agreement of all parties.

SIGNED this 19th day of Jan., 2005.



HON. DAVID J. FOLSOM
UNITED STATES DISTRICT JUDGE



D. Neil Smith
Attorney for Plaintiff



Preston McGee
Attorney for Defendant